

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

Plaintiff,

v.

BRIAN ZAIGER,

Defendant.

CIVIL ACTION NO.
1:17-cv-10356-PBS

**MOTION TO COMPEL RESPONSES
TO INTERROGATORIES AND
PRODUCTION OF DOCUMENTS**

Defendant/Plaintiff-in-Counterclaim, Brian Zaiger ("Zaiger" or "Defendant"), respectfully requests an order compelling Plaintiff/Defendant-in-Counterclaim Jonathan Monsarrat ("Monsarrat" or "Plaintiff") to respond to Defendant Zaiger's First Set of Interrogatories and to Defendant Zaiger's First Set of Requests for Production of Documents, within 14 days of this Court's Order. Plaintiff has failed to abide his obligations to respond and otherwise raised meritless boilerplate objections.

This motion is made pursuant to Rules 26, 33, 34, and 37 of the Federal Rules of Civil Procedure and Local Rule (L.R.) 37.1, and is based upon the attached memorandum of points and authorities, the papers and pleadings on file in this action, and any oral argument permitted by the Court.

Dated: December 2, 2018.

Respectfully submitted,

/s/ Marc J. Randazza

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*Attorneys for Defendant,
Brian Zaiger*

CERTIFICATE OF CONFERRAL

Pursuant to L.R. 7.1, I hereby certify that attorneys for the parties conferred and have attempted in good faith to resolve or narrow the issue.

/s/ Marc J. Randazza

Marc J. Randazza

RULE 37(a)(2)(B) CERTIFICATION

Defendant's counsel has attempted in good faith to resolve the issues discussed in this Motion without the need for Court action. Defendant initially sought to confer by request of October 3, 2017. Plaintiff declined to confer at all on October 3 & 6, 2017. Defendant again requested to confer on October 11, 2017. Although Plaintiff's counsel, on October 16, 2017, stated he would confer, he refused to set aside the time to discuss the dozens of requests at issue. Defendant again attempted to schedule a conference on October 22, 2017. On October 23, 2017, Plaintiff refused, but sought until November 3, 2017 to supplement.

Plaintiff's attorney and Defendant's attorney conferred via telephone at 9:30 a.m. on Monday, October 30, 2017 on other matters. Plaintiff's counsel raised the discovery issues and, upon Defendant's counsel attempting to discuss the issues herein, Plaintiff's counsel refused to confer in good faith. Accordingly, Plaintiff did not agree to supplement any responses at all during the conference and his subsequent production on November 3, 2017, remained lacking. Any further efforts, however, would be futile, as Monsarrat's counsel seeks to avoid this motion to compel by simply avoiding the meet-and-confer. At this point, Zaiger has made more than a good faith effort, in fact an effort with the patience of Saint Francis, to confer. Without court intervention, no meaningful discovery responses will be forthcoming.

/s/ Marc J. Randazza

Marc J. Randazza

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on January 2, 2018.

/s/ Marc J. Randazza
Marc J. Randazza